

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 22nd, 1929.

The Council was called to order by the Mayor Pro tem. Roll call showed the following members present: Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; absent, Mayor McFadden, 1.

The regular order of business was suspended to hear the committees present.

Councilman Reed moved that the matter of granting a permit to P. C. Wolff to build a garage at Forty-third and Duval Streets be reopened, and the large number of protesters present be given a hearing upon same. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

Mrs. Joe Prowse and others then presented a petition in writing, signed by the property owners on Duval Street, protesting against the erection of such garage. After due consideration of the matter, Councilman Reed moved that the Council rescind its former action of the 5th instant, granting permit to P. C. Wolff to build a gasoline filling station and garage at Forty-third and Duval Streets, in so far as same applies to the building of the garage, and that permit for said garage be cancelled. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

W. B. Anthony appeared before the Council and asked that he be given a reduction in the assessment on property owned by him recently taken into the city limits so long as the nuisance created by stock pens near his premises exists. He was assured that the matter would have proper consideration when tax matters were taken up by the Council.

The application of J. T. Tydlaska for permit to erect a gasoline filling station at No. 810 East 23rd Street, which had been read at the last meeting and laid over, came up for consideration. Mayor Pro tem Pannell laid before the Council the following report of the Safety Committee upon same:

"Austin, Texas, August 15, 1929.

Hon. Mayor and City Council,
Austin, Texas.

Gentlemen:

We, your Committee, on the application of J. T. Tydlaska asking permission to install, construct and operate a drive-in gasoline filling station, grocery store and ice-room at 810 East Twenty-third Street, make the following report.

We, the Committee, recommend that this permission be granted subject to the following conditions:

- (1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
- (2) That ceiling of that portion of the building that extends over driveways shall be covered with metal. Supports for portion extended over driveway to be supported by brick or reinforced concrete pillars.
- (3) That gasoline storage tanks and pumps and equipment used in connection therewith shall be of an approved type, and shall bear the label of the National Board of Fire Underwriters. All equipment to be installed in compliance with City and State regulations governing such installations. All equipment to be inspected and approved before being placed in service.
- (4) That gasoline pumps and other equipment used in the operation of gasoline filling stations shall be so located that cars receiving service therefrom will not in any way obstruct the sidewalk, street or alleyway. The pumps shall be at

least fourteen feet inside the property line, and all equipment shall be not less than thirty (30) feet from any adjacent residence, including property owned by applicant.

(5) That electric lights only shall be used for lighting purposes, and all electric wiring shall be done in compliance with regulations governing the wiring of gasoline filling stations, and shall be approved by the City Electrical Department.

(6) That "NO SMOKING" signs shall be displayed at all times, and no person shall be permitted to smoke or have any open flame on premises where gasoline is sold or stored.

(7) That there shall be kept in an accessible place at all times a chemical fire extinguisher for emergency use.

(8) That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector and that the property owner shall apply for a permit to the City Plumbing Inspector for instructions before proceeding with his work.

(9) That the grades of the station shall be such that no waste oils or water or any floor washing water shall ever pass over the City sidewalk area and that all of said waste oils and water shall be concentrated into a combined grease and sand trap and shall be conducted from said sand trap to the nearest city storm sewer at the expense of the applicant. Before commencement of any construction the applicant shall apply to the City Engineer for an estimate of the cost of the storm sewer and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(10) That a plan of the filling station hereto attached marked 2-B-179 shall be followed during construction and shall be considered a part of this resolution, said plan showing the proposed location of pumps, driveways and methods of draining away waste waters and oils.

(11) That all adjacent walks, ramps, gutters and curbs shall be constructed of concrete and all construction shall conform to the attached plan of the development, marked 2-B-179.

(12) That all gasoline pumps, tanks, equipment and piping connected thereto shall be inspected and approved by the City Plumbing Inspector, and the mechanic employed by the applicant to install the gasoline equipment shall apply to Plumbing Inspector for a special permit and shall give Plumbing Inspector sufficient notice when ready for inspection.

(13) That the applicant or the mechanic employed by the applicant to make the installation shall apply to the Inspector of Weights and Measures for inspection after the installation has been approved by the Plumbing Inspector.

(14) That before using said station the owner shall notify the City Engineer for final inspection when he considers that he has complied with all of the requirements of the City.

(15) That permission shall be granted, subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating gasoline filling stations, and said permission shall be held to be granted and accepted subject to all necessary reasonable and proper present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that said J. T. Tydlaska has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

CITY SAFETY COMMITTEE,

By Geo. F. Krueger, Acting
Fire Marshal;

Orin E. Metcalfe, City
Engineer;

Tom Neal, Traffic Police
Captain. "

Councilman Mueller moved that permit be granted to said J. T. Tydlaska, subject to the above recommendations of the Safety Committee. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

The application of M. C. Parrish to erect a drive-in grocery store, restaurant and confectionery at 2510 Whitis Avenue was again submitted to the Council, and Councilman Mueller moved that permit to use the City sidewalk for drive-in purposes in connection with the erection of said grocery store, restaurant and confectionery at 2510 Whitis Avenue by M. C. Parrish be denied.

Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

Mayor Pro tem Pannell laid before the Council the following report of the Safety Committee upon the application of Clyde Hailey Company to erect a gasoline filling station at 800 East 1st Street, which application had been read at the last regular meeting and laid over:

"Austin, Texas, August 14, 1929.

Hon. Mayor and City Council,
Austin, Texas.

Gentlemen:

We, the Safety Committee of the City of Austin, have considered the application of Clyde Hailey Realty Company for a permit to construct a gasoline filling station at the northeast corner of East Avenue and East First Street and make the following report:

We, the Safety Committee, recommend that this permit should be refused on account of the hazard of being close to the Palm School and on account of it being adjacent to a City Public Park.

CITY SAFETY COMMITTEE,

By (Sgd) Geo. F. Krueger, Acting
Fire Marshal;

Orin E. Metcalfe, City
Engineer;

Tom Neal, Traffic Police
Captain. "

Councilman Steck moved that the above report of the Safety Committee be approved and permit to said Clyde Hailey Company be denied for the reasons stated in said report. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

Mayor Pro tem Pannell laid before the Council the following report of the Safety Committee upon the application of Chas. Rogan to install a gasoline tank and pump at 2104 East Avenue, which application had been read at the last regular meeting and laid over:

"Austin, Texas, August 15, 1929.

Hon. Mayor and City Council,
Austin, Texas.

Gentlemen:

We, your Committee, on the application of Chas. Rogan to install one gasoline pump at 2104 East Avenue, make the following report:

We, the Committee, recommend that this application be refused as the property owner does not consider the advantages of the permit to justify him to prepare his filling station in accordance with our regulations, which include the structural features of the roof, supports for the roof, the grade of the sidewalk and the proper designation of driveways.

CITY SAFETY COMMITTEE,

By (Sgd) Geo. F. Krueger, Acting
Fire Marshal;

Orin E. Metcalfe, City
Engineer;

J. Bouldin Rector, City
Attorney;

Tom Neal, Traffic Police
Captain. "

Councilman Steck moved that the above report of the Safety Committee be approved and permit be refused said applicant unless he complies with the City's

regulations for the installation of gasoline tanks and pumps. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

Mayor Pro tem Pannell laid before the Council the following report of the Safety Committee upon the application of W. T. Caswell for commercial driveways at 110 East 1st Street in connection with the erection of a fender repair shop, which application had been read at the last regular meeting and laid over:

" Austin, Texas, August 15, 1929.

Hon. Mayor and City Council,
Austin, Texas.

Gentlemen:

We, the Safety Committee of the City of Austin, have investigated the request of W. T. Caswell, by his secretary, D. B. Johnson, for a permit for commercial driveways at 110 East First Street to be used in connection with a fender and repair shop.

We, the Committee, recommend that this permission be granted subject to the following conditions:

- (1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
- (2) That no gasoline or oils shall be sold from the station and no equipment therefor installed.
- (3) That the grades of the floor of the station shall be so constructed that no waste oils or water or floor washing water shall ever pass over the City sidewalk area and that all of said waste oils and water shall be concentrated into a combined sand and grease trap and shall be conducted from said trap to the nearest City storm sewer.
- (4) That the building shall be constructed in accordance with the building requirements within the fire limits.
- (5) That a plan of the said building, hereto attached, showing the location of the driveways and the width of openings of said driveways, marked 2-B-180, shall be followed during construction and shall be considered a part of this resolution.
- (6) That permission shall be granted, subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating drive-in garages or service stations, and said permission shall be held to be granted and accepted subject to all necessary reasonable and proper present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that said W. T. Caswell has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

CITY SAFETY COMMITTEE,

By Geo. F. Krueger, Acting Fire
Marshal;

Orin E. Metcalfe, City Engineer;

J. Bouldin Rector, City Attorney;

Tom Neal, Traffic Police Captain"

Councilman Steck moved that the above report of the Safety Committee be approved and permit be granted to said W. T. Caswell. Motion was seconded by councilman Mueller, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

J. C. Powell presented a petition, signed by citizens in the vicinity, protesting against stock pens located on the Butler property west of the I&GN Railroad tracks. The petition was received and filed and the matter referred to the City Attorney for legal advice and report at the next regular meeting.

Councilman Steck moved that City Manager be instructed to serve notice on the Texas Power & Light Company to remove their poles and lines from inside the city limits and to discontinue service therein. Motion was seconded by Councilman Mueller and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none, Mayor McFadden absent.

Mayor Pro tem Pannell laid before the Council for its second reading the following ordinance:

ORDINANCE CLOSING HEARING AND LEVYING ASSESSMENTS FOR PART OF THE COST OF IMPROVING PORTIONS OF GUADALUPE STREET AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, FIXING A CHARGE AND LIEN AGAINST PROPERTY ABUTTING THEREON AND AGAINST THE OWNERS THEREOF, PROVIDING FOR THE COLLECTION OF SUCH ASSESSMENTS AND THE ISSUANCE OF ASSIGNABLE CERTIFICATES IN EVIDENCE THEREOF.

The above ordinance was read the second time and Councilman Mueller moved that the rule be suspended and the ordinance placed on its third reading. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed and Steck, 4; nays, none, Mayor McFadden absent.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

Mayor Pro tem Pannell laid before the Council for its second reading the following ordinance:

ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF A PORTION OF GUADALUPE STREET IN THE CITY OF AUSTIN, TEXAS, LETTING CONTRACT THEREFOR, APPROVING FORM OF CONTRACT AND BOND, AND PROVIDING FOR THE PAYMENT OF THE COST THEREOF.

The above ordinance was read the second time and Councilman Mueller moved that the rule be suspended and the ordinance passed to its third reading. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

The ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Reed, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

Mayor Pro tem Pannell laid before the Council for its third reading the following ordinance:

ORDINANCE OF THE CITY OF AUSTIN, TEXAS, DECLARING THE NECESSITY FOR AND ORDERING AND PROVIDING FOR THE IMPROVEMENT OF ELMWOOD STREET FROM THE EAST LINE OF DUVAL STREET TO THE WEST LINE OF HARRIS PARK AVENUE IN THE CITY OF AUSTIN,

**LETTING CONTRACT THEREFOR,
APPROVING CONTRACT AND BOND,
AND PROVIDING FOR THE PAYMENT
OF THE COST THEREOF, AND
DECLARING AN EMERGENCY.**

The above ordinance was read the third time and Councilman Mueller moved that same be finally passed. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, Reed, and Steck, 4; nays, none; Mayor McFadden absent.

Councilman Reed was excused from the Council Chamber.

Mayor Pro tem Pannell laid before the Council the application of Calcasieu Lumber Company for permit to erect a warehouse at 408 West Second Street; also the following report of the Safety Committee upon same:

"Austin, Texas, August 22, 1929.

Hon. Mayor and City Council,
Austin, Texas.

Gentlemen:

We, your committee, on the application of Calcasieu Lumber Company for a permit to erect a warehouse with drive-in privileges, to be located at 408 West Second Street, make the following report.

We, the committee, recommend that this permission be granted subject to the following conditions:

- (1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts, or equipment installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building plans to be approved by the City Building Inspector.
- (2) That a plan of the proposed warehouse, showing the proposed location of driveways, which accompanies this report, numbered 2-B-184, shall be followed during construction.
- (3) That all adjacent walks, ramps, gutters and curbs shall be constructed of concrete and all construction shall conform to the attached plan of development marked 2-B-184.
- (4) That the applicant shall make formal application to the Building Inspector for a building permit before going ahead with the construction.
- (5) That before using said warehouse the owner shall notify the City Engineer for final inspection when he considers that he has complied with all of the requirements of the City.
- (6) That permission shall be granted, subject to the above conditions and the present and future rules and regulations and ordinances of the City of Austin, Texas, applying to or regulating the construction of such a building, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained, if after hearing, it is found by the City Council that said Calcasieu Lumber Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

CITY SAFETY COMMITTEE.

By J. E. Woody, Fire Chief;

Geo. F. Krueger, Fire
Marshal;

Orin E. Metcalfe, City
Engineer.

Tom Neal, Traffic Police
Captain. "

Councilman Mueller moved that permit be granted to said Calcasieu Lumber Company, subject to the above recommendations of the Safety Committee. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, and Steck, 3; nays, none; Mayor McFadden and Councilman Reed absent.

The Minutes of the last meeting were read and Councilman Steck moved the adoption of same. Motion was seconded by Councilman Mueller, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller, and Steck, 3; nays, none; Mayor McFadden and Councilman Reed absent.

Councilman Mueller moved that the Council recess, subject to call of the Mayor. Motion was seconded by Councilman Steck, and same prevailed by the following vote: Ayes, Mayor Pro tem Pannell, Councilmen Mueller and Steck, 3; nays, none; Mayor McFadden and Councilman Reed absent.

The Council then recessed.

Approved, *J. H. Pannell*
Mayor Pro tem.

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, August 29th, 1929.

The Council was called to order by the Mayor. Roll call showed the following members present: Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; absent, Councilman Reed, 1.

The Minutes of the last meeting were read and Councilman Mueller moved the adoption of same. Motion was seconded by Councilman Pannell, and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none; Councilman Reed absent.

The Mayor then announced that the Council would hear the committees present.

A large number of residents living in the vicinity of West Sixth Street from Rio Grande to Blanco Streets, through their attorney, Judge Charles Rogan, presented a written protest against the unbearable noises created by the switching of the Missouri Pacific cars in that neighborhood. The petition was received and filed, and Councilman Mueller moved that the City Manager be instructed to have a complete survey made of the Missouri Pacific Railway Company's trackage with a view to determining whether or not said Railway Company is legally occupying the streets with their tracks, and report his finding to the Council. Motion was seconded by Councilman Steck and same prevailed by the following vote: Ayes, Mayor McFadden, Councilmen Mueller, Pannell, and Steck, 4; nays, none, Councilman Reed absent.

A committee, composed of Judge Geo. Mendell, Attorney for F. M. Covert and Joseph Fischer, and Ed Rhodes Wroe and Mrs. W. L. Gilfillan, protested to the Council against the widening of Guadalupe Street from Fifth to Sixth Streets and the replacement of the present Uvalde Rock Asphalt pavement with other pavement.

Ben Thrasher, representing his father and sister as owners of the property at Eleventh and Lavaca Streets, and W. L. Bradfield and Harris Brush as agents for said owners, appeared before the Council and renewed their application for permission to erect a gasoline filling station at this location. In this connection, a communication from A. W. Harris, John A. Gracy, and Ralph C. Goeth, members of the